



General Assembly

February Session, 2018

Amendment

LCO No. 4962



Offered by:

REP. FLEISCHMANN, 18th Dist.

REP. MCCARTHY VAHEY, 133rd Dist.

REP. KUPCHICK, 132nd Dist.

REP. SLAP, 19th Dist.

REP. HAMPTON, 16th Dist.

SEN. BYE, 5th Dist.

To: Subst. House Bill No. 5452

File No. 257

Cal. No. 190

"AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-212c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2018*):

5 (a) (1) Not later than July 1, 2012, the Department of Education, in
6 conjunction with the Department of Public Health, shall develop [and
7 make available to each local and regional board of education]
8 guidelines for the management of students with life-threatening food
9 allergies and glycogen storage disease. The Department of Education
10 shall make the guidelines available to each local and regional board of
11 education. The guidelines shall include, but need not be limited to:
12 [(1)] (A) Education and training for school personnel on the

13 management of students with life-threatening food allergies and
14 glycogen storage disease, including training related to the
15 administration of medication with a cartridge injector pursuant to
16 subsection (d) of section 10-212a, as amended by this act, and the
17 provision of food or dietary supplements, [(2)] (B) procedures for
18 responding to life-threatening allergic reactions to food, [(3)] (C) a
19 process for the development of individualized health care and food
20 allergy action plans for every student with a life-threatening food
21 allergy, [(4)] (D) a process for the development of individualized
22 health care and glycogen storage disease action plans for every student
23 with glycogen storage disease and such plan shall include, but not be
24 limited to, the provision of food or dietary supplements by the school
25 nurse, or any school employee approved by the school nurse, to a
26 student with glycogen storage disease provided such plan shall not
27 prohibit a parent or guardian, or a person designated by such parent
28 or guardian, to provide food or dietary supplements to a student with
29 glycogen storage disease on school grounds during the school day, and
30 [(5)] (E) protocols to prevent exposure to food allergens.

31 (2) Not later than January 1, 2020, in addition to the requirements in
32 subdivision (1) of this subsection, the Department of Education, in
33 consultation with the Department of Public Health, shall revise such
34 guidelines to include (A) training for the identification and evaluation
35 of students with life-threatening food allergies or glycogen storage
36 disease, and (B) protocols that comply with the protections and
37 accommodations under Section 504 of the Rehabilitation Act of 1973, as
38 amended from time to time, the Individuals with Disabilities
39 Education Act, 20 USC 1400 et seq., as amended from time to time, and
40 the Americans with Disabilities Act, 42 USC 12101 et seq.

41 (3) Not later than January 1, 2020, and biennially thereafter, the
42 Department of Education, in consultation with the Department of
43 Public Health, shall review and update as the Commissioner of
44 Education deems necessary, the guidelines for the management of
45 students with life-threatening food allergies and glycogen storage
46 disease. The department shall make any such updated guidelines

47 available to each local and regional board of education.

48 (b) [Not later than August 15, 2012] (1) For the period of August 15,
49 2012, to December 31, 2019, inclusive, each local and regional board of
50 education shall: [(1)] (A) Implement a plan based on the guidelines
51 developed pursuant to subsection (a) of this section for the
52 management of students with life-threatening food allergies and
53 glycogen storage disease enrolled in the schools under its jurisdiction;
54 [(2)] (B) make such plan available on such board's Internet web site or
55 the Internet web site of each school under such board's jurisdiction, or
56 if such Internet web [sites do] site does not exist, make such plan
57 publicly available through other practicable means as determined by
58 such board; and [(3)] (C) provide notice of such plan in conjunction
59 with the annual written statement provided to parents and guardians
60 as required by subsection (b) of section 10-231c. [The superintendent of
61 schools for each school district shall annually attest to the Department
62 of Education that such school district is implementing such plan in
63 accordance with the provisions of this section.]

64 (2) On and after January 1, 2020, in addition to the requirements in
65 subdivision (1) of this subsection, each local and regional board of
66 education shall: (A) Require that all relevant course curriculum and
67 any school culinary program, other than those offered at a technical
68 high school, implement allergen restrictions and safety protocols to
69 allow students with life-threatening food allergies to participate; and
70 (B) include such plan in any programs relating to school climate or
71 wellness adopted by such board.

72 (3) The superintendent of schools for each school district shall
73 annually attest to the Department of Education that such school
74 district is implementing such plan in accordance with the provisions of
75 this section.

76 Sec. 2. (*Effective from passage*) Not later than January 1, 2020, the
77 Department of Education shall (1) update the Healthy and Balanced
78 Living Curriculum Framework, issued by the department in 2006, to

79 include life-threatening food allergies, (2) update any culinary arts
80 programs or curriculum standards related to the National Family and
81 Consumer Sciences Standards adopted by the State Board of Education
82 to include dietary restrictions, cross-contamination and allergen
83 identification, and (3) apply for any available federal or private
84 funding, in consultation with the Department of Public Health, to
85 promote public awareness and education about food allergies.

86 Sec. 3. (NEW) (*Effective July 1, 2018*) Each provider of school
87 transportation services shall provide annual training to all school bus
88 drivers. Such training shall include, but need not be limited to,
89 instruction on (1) the identification of the signs and symptoms of
90 anaphylaxis, (2) the administration of epinephrine by a cartridge
91 injector, (3) the notification of emergency personnel, (4) the reporting
92 of an incident involving a student and a life-threatening allergic
93 reaction, and (5) any other relevant issues relating to students who
94 experience life-threatening allergic reactions. Such training may be
95 completed using an online module, provided such online module
96 meets the requirements of this section. The provisions of this section
97 shall not apply to any provider of school transportation services until
98 after the expiration or renewal of any contract between such provider
99 and a local or regional board of education to provide school
100 transportation services in effect on July 1, 2018. As used in this section,
101 "school bus driver" means any person who drives a school bus, as
102 defined in section 14-1 of the general statutes, and is employed by a
103 local or regional board of education or employed by a contractor who
104 has entered into a contract with a local or regional board of education
105 for the provision of school transportation services; and "cartridge
106 injector" means an automatic prefilled cartridge injector or similar
107 automatic injectable equipment used to deliver epinephrine in a
108 standard dose for emergency first aid response to allergic reactions.

109 Sec. 4. Subdivision (2) of subsection (a) of section 10-212a of the
110 general statutes is repealed and the following is substituted in lieu
111 thereof (*Effective July 1, 2018*):

112 (2) Each local and regional board of education that allows a school
113 nurse or, in the absence of such nurse, any other nurse licensed
114 pursuant to the provisions of chapter 378, including a nurse employed
115 by, or providing services under the direction of a local or regional
116 board of education at, a school-based health clinic, who shall
117 administer medical preparations only to students enrolled in such
118 school-based health clinic in the absence of a school nurse, the
119 principal, any teacher, licensed athletic trainer, licensed physical or
120 occupational therapist employed by a school district, coach of
121 intramural and interscholastic athletics or school paraprofessional of a
122 school to administer medicine or that allows a student to possess, self-
123 administer or possess and self-administer medicine, including
124 medicine administered through the use of an asthmatic inhaler or an
125 automatic prefilled cartridge injector or similar automatic injectable
126 equipment, shall adopt written policies and procedures, in accordance
127 with this section and the regulations adopted pursuant to subsection
128 (c) of this section, that shall be approved by the school medical
129 advisor, if any, or other qualified licensed physician. Once so
130 approved, such administration of medication shall be in accordance
131 with such policies and procedures.

132 Sec. 5. Subsection (c) of section 10-212a of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective July*
134 *1, 2018*):

135 (c) The State Board of Education, in consultation with the
136 Commissioner of Public Health, shall adopt regulations, in accordance
137 with the provisions of chapter 54, determined to be necessary by the
138 board to carry out the provisions of this section, including, but not
139 limited to, regulations that (1) specify conditions under which a coach
140 of intramural and interscholastic athletics may administer medicinal
141 preparations, including controlled drugs specified in the regulations
142 adopted by the commissioner, to a child participating in such
143 intramural and interscholastic athletics, (2) specify conditions and
144 procedures for the administration of medication by school personnel to
145 students, including the conditions and procedures for the storage and

146 administration of epinephrine by school personnel to students for the
147 purpose of emergency first aid to students who experience allergic
148 reactions and who do not have a prior written authorization for the
149 administration of epinephrine, in accordance with the provisions of
150 subdivision (2) of subsection (d) of this section, and (3) specify
151 conditions for the possession, self-administration or possession and
152 self-administration of medication by students, including permitting a
153 child diagnosed with: (A) Asthma to retain possession of an asthmatic
154 inhaler at all times while attending school for prompt treatment of the
155 child's asthma and to protect the child against serious harm or death
156 provided a written authorization for self-administration of medication
157 signed by the child's parent or guardian and an authorized prescriber
158 is submitted to the school nurse; and (B) an allergic condition to retain
159 possession of an automatic prefilled cartridge injector or similar
160 automatic injectable equipment at all times, including while attending
161 school or receiving school transportation services, for prompt
162 treatment of the child's allergic condition and to protect the child
163 against serious harm or death provided a written authorization for
164 self-administration of medication signed by the child's parent or
165 guardian and an authorized prescriber is submitted to the school
166 nurse. The regulations shall require authorization pursuant to: (i) The
167 written order of a physician licensed to practice medicine in this or
168 another state, a dentist licensed to practice dental medicine in this or
169 another state, an advanced practice registered nurse licensed under
170 chapter 378, a physician assistant licensed under chapter 370, a
171 podiatrist licensed under chapter 375, or an optometrist licensed under
172 chapter 380; and (ii) the written authorization of a parent or guardian
173 of such child.

174 Sec. 6. Subsection (d) of section 10-212a of the general statutes is
175 repealed and the following is substituted in lieu thereof (*Effective July*
176 *1, 2018*):

177 (d) (1) (A) With the written authorization of a student's parent or
178 guardian, and (B) pursuant to the written order of a qualified medical
179 professional, a school nurse and a school medical advisor, if any, may

180 jointly approve and provide general supervision to an identified
181 school paraprofessional to administer medication, including, but not
182 limited to, medication administered with a cartridge injector, to a
183 specific student with a medically diagnosed allergic condition that
184 may require prompt treatment in order to protect the student against
185 serious harm or death.

186 (2) A school nurse or, in the absence of a school nurse, a qualified
187 school employee shall maintain epinephrine in cartridge injectors for
188 the purpose of emergency first aid to students who experience allergic
189 reactions and do not have a prior written authorization of a parent or
190 guardian or a prior written order of a qualified medical professional
191 for the administration of epinephrine. A school nurse or a school
192 principal shall select qualified school employees to administer such
193 epinephrine under this subdivision, and there shall be at least one such
194 qualified school employee on the grounds of the school during regular
195 school hours in the absence of a school nurse. A school nurse or, in the
196 absence of such school nurse, such qualified school employee may
197 administer such epinephrine under this subdivision, provided such
198 administration of epinephrine is in accordance with policies and
199 procedures adopted pursuant to subsection (a) of this section. Such
200 administration of epinephrine by a qualified school employee shall be
201 limited to situations when the school nurse is absent or unavailable.
202 No qualified school employee shall administer such epinephrine under
203 this subdivision unless such qualified school employee annually
204 completes the training program described in section 10-212g. The
205 parent or guardian of a student may submit, in writing, to the school
206 nurse and school medical advisor, if any, that epinephrine shall not be
207 administered to such student under this subdivision.

208 (3) In the case of a student with a medically diagnosed life-
209 threatening allergic condition, (A) with the written authorization of
210 such student's parent or guardian, and (B) pursuant to the written
211 order of a qualified medical professional, such student may possess,
212 self-administer or possess and self-administer medication, including,
213 but not limited to, medication administered with a cartridge injector,

214 to protect such student against serious harm or death.

215 [(3)] (4) For purposes of this subsection, (A) "cartridge injector"
216 means an automatic prefilled cartridge injector or similar automatic
217 injectable equipment used to deliver epinephrine in a standard dose
218 for emergency first aid response to allergic reactions, (B) "qualified
219 school employee" means a principal, teacher, licensed athletic trainer,
220 licensed physical or occupational therapist employed by a school
221 district, coach or school paraprofessional, and (C) "qualified medical
222 professional" means (i) a physician licensed under chapter 370, (ii) an
223 optometrist licensed to practice optometry under chapter 380, (iii) an
224 advanced practice registered nurse licensed to prescribe in accordance
225 with section 20-94a, or (iv) a physician assistant licensed to prescribe in
226 accordance with section 20-12d.

227 Sec. 7. Section 52-557b of the general statutes is repealed and the
228 following is substituted in lieu thereof (*Effective July 1, 2018*):

229 (a) A person licensed to practice medicine and surgery under the
230 provisions of chapter 370 or dentistry under the provisions of section
231 20-106 or members of the same professions licensed to practice in any
232 other state of the United States, a person licensed as a registered nurse
233 under section 20-93 or 20-94 or certified as a licensed practical nurse
234 under section 20-96 or 20-97, a medical technician or any person
235 operating a cardiopulmonary resuscitator or a person trained in
236 cardiopulmonary resuscitation in accordance with the guidelines set
237 forth by the American Red Cross or American Heart Association, or a
238 person operating an automatic external defibrillator, who, voluntarily
239 and gratuitously and other than in the ordinary course of such person's
240 employment or practice, renders emergency medical or professional
241 assistance to a person in need thereof, shall not be liable to such person
242 assisted for civil damages for any personal injuries which result from
243 acts or omissions by such person in rendering the emergency care,
244 which may constitute ordinary negligence. A person or entity that
245 provides or maintains an automatic external defibrillator shall not be
246 liable for the acts or omissions of the person or entity in providing or

247 maintaining the automatic external defibrillator, which may constitute
248 ordinary negligence. The immunity provided in this subsection does
249 not apply to acts or omissions constituting gross, wilful or wanton
250 negligence. With respect to the use of an automatic external
251 defibrillator, the immunity provided in this subsection shall only apply
252 to acts or omissions involving the use of an automatic external
253 defibrillator in the rendering of emergency care. Nothing in this
254 subsection shall be construed to exempt paid or volunteer firefighters,
255 police officers or emergency medical services personnel from
256 completing training in cardiopulmonary resuscitation or in the use of
257 an automatic external defibrillator in accordance with the guidelines
258 set forth by the American Red Cross or American Heart Association.
259 For the purposes of this subsection, "automatic external defibrillator"
260 means a device that: (1) Is used to administer an electric shock through
261 the chest wall to the heart; (2) contains internal decision-making
262 electronics, microcomputers or special software that allows it to
263 interpret physiologic signals, make medical diagnosis and, if
264 necessary, apply therapy; (3) guides the user through the process of
265 using the device by audible or visual prompts; and (4) does not require
266 the user to employ any discretion or judgment in its use.

267 (b) A paid or volunteer firefighter or police officer, a teacher or
268 other school personnel on the school grounds or in the school building
269 or at a school function, a member of a ski patrol, a lifeguard, a
270 conservation officer, patrol officer or special police officer of the
271 Department of Energy and Environmental Protection, or emergency
272 medical service personnel, who has completed a course in first aid
273 offered by the American Red Cross, the American Heart Association,
274 the National Ski Patrol, the Department of Public Health or any
275 director of health, as certified by the agency or director of health
276 offering the course, and who renders emergency first aid to a person in
277 need thereof, shall not be liable to such person assisted for civil
278 damages for any personal injuries which result from acts or omissions
279 by such person in rendering the emergency first aid, which may
280 constitute ordinary negligence. No paid or volunteer firefighter, police

281 officer or emergency medical service personnel who forcibly enters the
282 residence of any person in order to render emergency first aid to a
283 person whom such firefighter, police officer or emergency medical
284 service personnel reasonably believes to be in need thereof shall be
285 liable to such person for civil damages incurred as a result of such
286 entry. The immunity provided in this subsection does not apply to acts
287 or omissions constituting gross, wilful or wanton negligence.

288 (c) An employee of a railroad company, including any company
289 operating a commuter rail line, who has successfully completed a
290 course in first aid, offered by the American Red Cross, the American
291 Heart Association, the National Ski Patrol, the Department of Public
292 Health or any director of health, as certified by the agency or director
293 of health offering the course, and who renders emergency first aid or
294 cardiopulmonary resuscitation to a person in need thereof, shall not be
295 liable to such person assisted for civil damages for any personal injury
296 or death which results from acts or omissions by such employee in
297 rendering the emergency first aid or cardiopulmonary resuscitation
298 which may constitute ordinary negligence. The immunity provided in
299 this subsection does not apply to acts or omissions constituting gross,
300 wilful or wanton negligence.

301 (d) A railroad company, including any commuter rail line, which
302 provides emergency medical training or equipment to any employee
303 granted immunity pursuant to subsection (c) of this section shall not be
304 liable for civil damages for any injury sustained by a person or for the
305 death of a person which results from the company's acts or omissions
306 in providing such training or equipment or which results from acts or
307 omissions by such employee in rendering emergency first aid or
308 cardiopulmonary resuscitation, which may constitute ordinary
309 negligence. The immunity provided in this subsection does not apply
310 to acts or omissions constituting gross, wilful or wanton negligence.

311 (e) (1) For purposes of this subsection, "cartridge injector" means an
312 automatic prefilled cartridge injector or similar automatic injectable
313 equipment used to deliver epinephrine in a standard dose for

314 emergency first aid response to allergic reactions.

315 (2) Any volunteer worker associated with, or any person employed
316 to work for, a program offered to children sixteen years of age or
317 younger by a corporation, other than a licensed health care provider,
318 that is exempt from federal income taxation under Section 501 of the
319 Internal Revenue Code of 1986, or any subsequent corresponding
320 internal revenue code of the United States, as from time to time
321 amended, who (A) has been trained in the use of a cartridge injector by
322 a licensed physician, physician assistant, advanced practice registered
323 nurse or registered nurse, (B) has obtained the consent of a parent or
324 legal guardian to use a cartridge injector on his or her child, and (C)
325 uses a cartridge injector on such child in apparent need thereof
326 participating in such program, shall not be liable to such child assisted
327 or to such child's parent or guardian for civil damages for any personal
328 injury or death which results from acts or omissions by such worker in
329 using a cartridge injector which may constitute ordinary negligence.
330 The immunity provided in this subsection does not apply to acts or
331 omissions constituting gross, wilful or wanton negligence.

332 (3) A corporation, other than a licensed health care provider, that is
333 exempt from federal income taxation under Section 501 of the Internal
334 Revenue Code of 1986, or any subsequent corresponding internal
335 revenue code of the United States, as from time to time amended,
336 which provides training in the use of cartridge injectors to any
337 volunteer worker granted immunity pursuant to subdivision (2) of this
338 subsection shall not be liable for civil damages for any injury sustained
339 by, or for the death of, a child sixteen years of age or younger who is
340 participating in a program offered by such corporation, which injury
341 or death results from acts or omissions by such worker in using a
342 cartridge injector, which may constitute ordinary negligence. The
343 immunity provided in this subsection does not apply to acts or
344 omissions constituting gross, wilful or wanton negligence.

345 (f) A teacher or other school personnel, on the school grounds or in
346 the school building or at a school function, who has completed both a

347 course in first aid in accordance with subsection (b) of this section and
348 a course given by the medical advisor of the school or by a licensed
349 physician in the administration of medication by injection, who
350 renders emergency care by administration of medication by injection
351 to a person in need thereof, shall not be liable to the person assisted for
352 civil damages for any injuries which result from acts or omissions by
353 the person in rendering the emergency care of administration of
354 medication by injection, which may constitute ordinary negligence.
355 The immunity provided in this subsection does not apply to acts or
356 omissions constituting gross, wilful or wanton negligence.

357 (g) The provisions of this section shall not be construed to require
358 any teacher or other school personnel to render emergency first aid or
359 administer medication by injection.

360 (h) Any person who has completed a course in first aid offered by
361 the American Red Cross, the American Heart Association, the National
362 Ski Patrol, the Department of Public Health or any director of health,
363 as certified by the agency or director of health offering the course, or
364 has been trained in the use of a cartridge injector by a licensed
365 physician, physician assistant, advanced practice registered nurse or
366 registered nurse, and who, voluntarily and gratuitously and other than
367 in the ordinary course of such person's employment or practice,
368 renders emergency assistance by using a cartridge injector on another
369 person in need thereof, or any person who is an identified staff
370 member of a before or after school program, day camp or child care
371 facility, as defined in section 19a-900, and who renders emergency
372 assistance by using a cartridge injector on another person in need
373 thereof, shall not be liable to such person assisted for civil damages for
374 any personal injuries which result from acts or omissions by such
375 person in using a cartridge injector, which may constitute ordinary
376 negligence. The immunity provided in this subsection does not apply
377 to acts or omissions constituting gross, wilful or wanton negligence.
378 For the purposes of this subsection, "cartridge injector" has the same
379 meaning as provided in subdivision (1) of subsection (e) of this section.

380 (i) A school bus driver, on or in the immediate vicinity of a school
 381 bus during the provision of school transportation services, who
 382 renders emergency care by administration of medication with a
 383 cartridge injector to a student in need thereof who has a medically
 384 diagnosed allergic condition that may require prompt treatment in
 385 order to protect the student against serious harm or death, shall not be
 386 liable to the student assisted for civil damages for any injuries which
 387 result from acts or omissions by the school bus driver in rendering the
 388 emergency care of administration of medication with a cartridge
 389 injector, which may constitute ordinary negligence. The immunity
 390 provided in this subdivision does not apply to acts or omissions
 391 constituting gross, wilful or wanton negligence. For the purposes of
 392 this subsection, "cartridge injector" has the same meaning as provided
 393 in subdivision (1) of subsection (e) of this section."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2018</i>	10-212c
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2018</i>	New section
Sec. 4	<i>July 1, 2018</i>	10-212a(a)(2)
Sec. 5	<i>July 1, 2018</i>	10-212a(c)
Sec. 6	<i>July 1, 2018</i>	10-212a(d)
Sec. 7	<i>July 1, 2018</i>	52-557b